

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TUDOR INSURANCE COMPANY,  
Plaintiff,

v.

ASSOCIATED LAND TITLE, LLC, and  
FIDELITY NATIONAL TITLE  
INSURANCE COMPANY,  
Defendants, \_\_\_\_\_/

Case No. 08-11831

FIDELITY NATIONAL TITLE  
INSURANCE COMPANY,  
Cross-Claimant,

Honorable Patrick J. Duggan

v.

ASSOCIATED LAND TITLE, LLC,  
Cross-Defendant, \_\_\_\_\_/

FIDELITY NATIONAL TITLE  
INSURANCE COMPANY,  
Third-Party Plaintiff,

v.

STEPHEN J. SMITH,  
Third-Party Defendant, \_\_\_\_\_/

**FINAL JUDGMENT AS TO PLAINTIFF'S REQUEST FOR A DECLARATORY  
JUDGMENT THAT THE INSURANCE CLAIMS AT ISSUE ARE EXCLUDED  
FROM COVERAGE**

On February 22, 2008, Tudor Insurance Company ("Tudor") filed this diversity action seeking a declaration that it has the right to rescind an errors and omissions ("E&O") liability insurance policy issued to Associated Land Title, LLC ("Associated"), with an effective date of May 1, 2007. Tudor later amended its complaint to add Fidelity

National Title Insurance Company (“Fidelity”) as a defendant and to add a request for a declaratory judgment that it is not liable for the claims maintained by Fidelity against Associated because those claims are excluded from coverage under the unambiguous terms of the E&O policy.

On November 17, 2010, Tudor filed a motion for partial summary judgment with respect to its request for a declaration that Fidelity’s claims are excluded from coverage. In an opinion and order entered on March 15, 2011, the Court granted Tudor’s motion. On today’s date, the Court entered an opinion and order granting Fidelity’s motion to certify the March 15 summary judgment decision as a final judgment pursuant to Federal Rule of Civil Procedure 54(b).

Accordingly,

**IT IS ORDERED, ADJUDGED, AND DECREED**, that **JUDGMENT** is entered in favor of Tudor Insurance Company and against Associated Land Title, LLC and Fidelity National Title Insurance Company with respect to Tudor’s request for a declaratory judgment that the claims at issue in this lawsuit are excluded from coverage under Tudor’s insurance policy issued to Associated Land Title, LLC, bearing policy number 0011496.

Dated: April 25, 2011

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

Michael J. Sullivan, Esq.

Colleen H. Burke, Esq.

Jacqueline E. Bayley, Esq.

Donald A. Rump, Esq.

Alison G. Fox, Esq.

Scott J. Fandre, Esq.

Wendy K. Walker-Dyes, Esq.